

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMON DAWKINS,

Plaintiff(s),

CASE NUMBER: 06-12053

HONORABLE VICTORIA A. ROBERTS

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant(s).

_____ /

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION AND APPLICATION
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

On September 24, 2007, the Court granted Defendant Commissioner of Social Security's Motion for Summary Judgment (Doc. #20). The Court adopted Magistrate Judge Donald Scheer's Report and Recommendation. On October 9, 2007, Plaintiff asked that the Court reconsider its decision (Doc. #22). Plaintiff's motion was denied (Doc. #24). The Court denies Plaintiff's second Motion for Reconsideration (Doc. #28) for the same reasons.

Plaintiff also filed a Notice of Appeal of the Court's decision on October 18, 2007 (Doc. #25). He requests that the Court grant him *in forma pauperis* status for the appeal. Plaintiff's request is DENIED.

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. §1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the

appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *Penny v. Booker*, 2006 WL 2008523 at *1 (E.D. Mich. July 17, 2006) (citing *Walker*).

The Court finds that Plaintiff’s claim lacks even arguable merit and, therefore, that his appeal is not taken in good faith. Plaintiff’s request to proceed *in forma pauperis* is DENIED. If Plaintiff wishes to proceed with his appeal, he must either pay the requisite fee or ask the Court of Appeals to grant him *in forma pauperis* status. See Fed. R. App. P. 24(a)(5).

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 19, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and Emon Dawkins by electronic means or U.S. Mail on October 19, 2007.

s/Linda Vertriest
Deputy Clerk